

(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA
APPELLATE SIDE

MISC. CIVIL APPLICATION NO. 886 OF 2004 IN FIRST APPEAL NO. 50 OF 2000

Office Notes, Office Memoranda of Quorum
appearances, Court's orders, or directions and
Registrar's orders.

Court's or Judge's Orders.

Mr. H.D. Naik, Advocate for the applicant.

Mr. S. Singbal, Advocate for the
respondent.

CORAM : A.P. LAVANDE &
N.A. BRITTO, JJ.

DATE : JANUARY 31, 2005.

P.C.

Heard Mr. Naik, learned
Counsel on behalf of the applicant/
original respondent and Mr. Singbal,
learned Counsel on behalf of
respondent/original appellant.

2. By order dated 11.10.2004, the
appeal filed by the appellant- Shantilal
Kushaldas & Brothers Pvt. Ltd., Margao
was dismissed as withdrawn and the
amounts of Rs.28,85,802/- , deposited
by way of first instalment, and

Rs.14,07,101/- by way of second instalment, were allowed to be withdrawn by the applicant/original respondent.

3. Consequently, the applicant/original respondent has filed an application for withdrawal of +-the said amount of Rs. 42,92,903/- . The respondent/original appellant can have no objection for withdrawal of the sum. It is submitted by Shri Naik that the said amount falls short of than what is due to the applicant/original respondent. For that, the applicant is at liberty to take appropriate proceedings. The application is granted and the applicant/original respondent is allowed to withdraw the sum of 42,92,903/- , with the interest accrued thereon.

A.P. LAVANDE, J.

N.A. BRITTO, J.